

REFERENCE TITLE: **child support enforcement**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2249

Introduced by
Representatives Hershberger, Ableser, Alvarez, Anderson, Bradley, Senators
Gray L, Landrum Taylor, Rios: Representatives Barto, Tobin, Senator Harper

AN ACT

**AMENDING SECTIONS 23-722.01, 25-503, 25-517, 25-518, 25-816 AND 33-964,
ARIZONA REVISED STATUTES; RELATING TO CHILD SUPPORT ENFORCEMENT.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 23-722.01, Arizona Revised Statutes, is amended to
3 read:
4 23-722.01. Employer or payor reporting; exceptions; retention
5 of records; unauthorized disclosure; new hire
6 directory; definitions
7 A. Subject to the requirements of subsection E, the department of
8 economic security shall implement a program to require all employers OR
9 PAYORS doing business in this state to report the following to the department
10 of economic security:
11 1. The hiring of any employee who resides or works in this state.
12 2. The rehiring or returning to work of any employee who was laid off,
13 furloughed, separated, granted a leave without pay or terminated from
14 employment.
15 3. THE MONETARY PAYMENT FOR THE PERFORMANCE OF LABOR OR SERVICES TO
16 ANY PAYEE WHO RESIDES OR WORKS IN THIS STATE IF THREE OR MORE PERIODIC
17 PAYMENTS ARE EXPECTED TO BE MADE BY THE PAYOR IN ANY TWELVE MONTH PERIOD AND
18 THE AGGREGATE PAYMENTS ARE REASONABLY EXPECTED TO EQUAL OR EXCEED FIVE
19 THOUSAND DOLLARS.
20 B. The department of economic security shall eliminate all unnecessary
21 reporting in the information requested to reduce the burden of employers OR
22 PAYORS.
23 C. Employers shall report by submitting a W-4 form or an equivalent
24 form at the option of the employer. PAYORS WHO ARE REQUIRED TO REPORT
25 PURSUANT TO SUBSECTION A MAY REPORT THE INFORMATION REQUIRED PURSUANT TO
26 SUBSECTION D BY ANY WRITTEN MEANS THAT IS AUTHORIZED BY THE DEPARTMENT AND
27 THAT RESULTS IN TIMELY REPORTING. The information may be submitted
28 magnetically, electronically or by first class mail, ~~telefacsimile~~ FAX or any
29 other means that are authorized by the department of economic security.
30 D. Employers shall submit the reports within twenty days after the
31 employee is hired or rehired or returns to work. PAYORS SHALL SUBMIT THE
32 REPORTS WITHIN TWENTY DAYS AFTER THE LABOR OR SERVICE IS AGREED TO BE
33 PERFORMED. Employers OR PAYORS who submit reports magnetically or
34 electronically shall submit the reports in two monthly transmissions not more
35 than sixteen days apart. The report shall contain all of the following:
36 1. The employee's OR PAYEE'S name, address and social security number.
37 2. The employer's OR PAYEE'S name, address and federal tax
38 identification number OR OTHER IDENTIFYING NUMBER AS REQUIRED BY THE
39 DEPARTMENT.
40 E. An employer who has employees who are employed in two or more
41 states and who transmits new hire reports magnetically or electronically may
42 comply with the new hire reporting requirements by designating one state in
43 which the employer has employees to transmit the report. An employer who has
44 employees in two or more states shall notify the United States secretary of

1 health and human services of the state to which the employer shall send
2 reports.

3 F. The department of economic security or its agent may use the
4 information collected pursuant to this section only for the following
5 purposes:

6 1. The administration and enforcement of child support pursuant to
7 title IV-D of the social security act. Except as provided by federal law,
8 the information collected shall only be used to locate a person to establish
9 paternity and to establish, modify and enforce support obligations. The
10 information may be disclosed to an agent under contract with the department
11 of economic security to carry out this purpose. The information may also be
12 disclosed to agencies of this state, political subdivisions of this state,
13 federal agencies involved with support and other states and their political
14 subdivisions seeking to locate persons to enforce support pursuant to title
15 IV-D of the social security act.

16 2. The identification and prevention of benefit fraud in assistance
17 programs under title 46, chapter 2, articles 2 and 5.

18 3. The administration of employment security services pursuant to this
19 chapter and workers' compensation programs pursuant to chapter 6 of this
20 title.

21 G. The information collected pursuant to this section shall not be
22 disclosed pursuant to title 39, chapter 1. An employee or agent of this
23 state who discloses any information collected pursuant to this section
24 without authorization is subject to a civil penalty of one thousand dollars
25 for each offense. The department of economic security may impose and collect
26 the penalty and shall deposit any collections in the state general fund. Any
27 unauthorized release of information is cause for the administrative
28 discipline of the employee or agent.

29 H. The department shall operate a state directory of new hires
30 comprised of information received from employers AND PAYORS. The department
31 shall enter information received from employers AND PAYORS into the state
32 directory of new hires within five business days after receipt. The
33 information shall be forwarded to the national directory of new hires within
34 three business days after entry into the state directory of new hires. For
35 THE purposes of this section, a business day is a day when ~~the state is~~
36 OFFICES ARE open for regular business.

37 I. The department of economic security shall conduct, directly or by
38 contract, an automated comparison of social security numbers reported by
39 employers AND PAYORS pursuant to this section and the social security numbers
40 on record in the state case registry of child support orders.

41 J. If a comparison conducted pursuant to subsection I reveals a match
42 of the social security number of an obligor required to pay support in a
43 title IV-D case, the department, within two business days, shall issue an
44 income withholding order to the employer OR PAYOR of the person obligated to

1 pay support directing the employer OR PAYOR to withhold the ordered amount
2 from the income of the employee OR FROM THE PAYMENT TO THE PAYEE.

3 K. This section does not allow the department to impose penalties on
4 employers AND PAYORS for failing to comply with this section's reporting
5 requirements.

6 L. For THE purposes of this section:

7 1. "Employee" means a person who is employed within the meaning of
8 chapter 24 of the internal revenue code of 1986. Employee does not include
9 an employee of a federal or state agency performing intelligence or
10 counterintelligence functions if the head of the agency has determined that
11 reporting with respect to the employee could endanger the safety of the
12 employee or compromise an ongoing investigation or intelligence mission.

13 2. "Employer" has the same meaning prescribed in section 3401(d) of
14 the internal revenue code of 1986 and includes any governmental entity and
15 any labor organization.

16 3. "PAYEE" MEANS A PERSON WHO PERFORMS SERVICES FOR PAYMENT THAT IS
17 NOT SUBJECT TO INCOME TAX WITHHOLDING AND FOR WHOM THE PERSON OR ENTITY
18 MAKING PAYMENT IS REQUIRED BY THE INTERNAL REVENUE SERVICE TO COMPLETE A
19 1099-MISC FORM. PAYEE DOES NOT INCLUDE A PAYEE OF A FEDERAL OR STATE AGENCY
20 WHO PERFORMS INTELLIGENCE OR COUNTERINTELLIGENCE FUNCTIONS IF THE HEAD OF THE
21 AGENCY HAS DETERMINED THAT REPORTING WITH RESPECT TO THE PAYEE COULD ENDANGER
22 THE SAFETY OF THE PAYEE OR COMPROMISE AN ONGOING INVESTIGATION OR
23 INTELLIGENCE MISSION.

24 4. "PAYOR" MEANS A PERSON OR ENTITY FOR WHOM A PERSON PERFORMS OR HAS
25 PERFORMED ANY SERVICE FOR PAYMENT THAT IS NOT SUBJECT TO INCOME TAX
26 WITHHOLDING AND WHO IS REQUIRED BY THE INTERNAL REVENUE SERVICE TO COMPLETE A
27 1099-MISC FORM FOR THE PERSON WHO IS PROVIDING THE SERVICE.

28 Sec. 2. Section 25-503, Arizona Revised Statutes, is amended to read:

29 25-503. Order for support; methods of payment; modification;
30 termination; statute of limitations; judgment on
31 arrearages; notice; security

32 A. In any proceeding in which there is at issue the support of a
33 child, the court may order either or both parents to pay any amount necessary
34 for the support of the child. If the court order OR ADMINISTRATIVE ORDER OF
35 SUPPORT does not specify the date when current support begins, the support
36 obligation begins to accrue on the first day of the month following the entry
37 of the order. If a personal check for support payments and handling fees is
38 rightfully dishonored by the payor bank or other drawee, any subsequent
39 support payments and handling fees shall be paid only by cash, money order,
40 cashier's check, traveler's check or certified check. The department may
41 collect from the drawer of a dishonored check or draft an amount allowed
42 pursuant to section 44-6852. Pursuant to sections 35-146 and 35-147, the
43 department shall deposit monies collected pursuant to this subsection in a
44 child support enforcement administration fund. If a party required to pay
45 support other than by personal check demonstrates full and timely payment for

1 twenty-four consecutive months, that party may pay support by personal check
2 if these payments are for the full amount, are timely tendered and are not
3 rightfully dishonored by the payor bank or other drawee. On a showing of
4 good cause, the court may order that the party or parties required to pay
5 support give reasonable security for these payments. If the court sets an
6 appearance bond and the obligor fails to appear, the bond is forfeited and
7 credited against any support owed by the party required to pay support. This
8 subsection does not apply to payments that are made by means of a wage
9 assignment.

10 B. On a showing that an income withholding order has been ineffective
11 to secure the timely payment of support and that an amount equal to six
12 months of current support has accrued, the court shall require the obligor to
13 give security, post bond or give some other guarantee to secure overdue
14 support.

15 C. PURSUANT TO THE ARIZONA RULES OF FAMILY LAW PROCEDURE, THE TITLE
16 IV-D AGENCY OR ITS AGENT MAY SERVE THE PARTIES WITH A NOTICE OF MANDATORY
17 CONFERENCE THAT DIRECTS THEM TO APPEAR AT THE DATE, TIME AND LOCATION STATED
18 IN THE NOTICE AND THAT INCLUDES A CHILD SUPPORT GUIDELINE WORKSHEET AND A
19 PROPOSED CHILD SUPPORT ORDER. THE MANDATORY CONFERENCE MAY BE RESCHEDULED
20 BEFORE THE DATE AND TIME STATED IN THE NOTICE NOT MORE THAN ONCE AND NOT
21 LATER THAN TEN DAYS AFTER THE ORIGINAL DATE. ON STIPULATION OF THE PARTIES,
22 THE TITLE IV-D AGENCY OR ITS AGENT SHALL ISSUE AN ADMINISTRATIVE ORDER OF
23 CHILD SUPPORT AND SHALL FILE A COPY OF THE ORDER WITH THE CLERK OF THE
24 COURT. THIS ORDER HAS THE SAME FORCE AND EFFECT AS A JUDGMENT OF THE
25 SUPERIOR COURT.

26 D. IF EITHER PARTY DOES NOT ATTEND THE CONFERENCE, THE TITLE IV-D
27 AGENCY OR ITS AGENT SHALL ISSUE A TEMPORARY ADMINISTRATIVE ORDER OF SUPPORT
28 THAT IS CONSISTENT WITH THE PROPOSED ORDER AND SHALL FILE A COPY WITH THE
29 CLERK OF THE COURT. TOGETHER WITH AN AFFIDAVIT OF SERVICE ESTABLISHING
30 SERVICE ON THE PARTIES, THE TITLE IV-D AGENCY OR ITS AGENT SHALL MAIL A COPY
31 OF THE TEMPORARY ORDER TO THE PARTIES WITH A NOTICE THAT STATES THAT THE
32 TEMPORARY ORDER OF SUPPORT BECOMES FINAL SIXTY DAYS AFTER THE ORDER IS ISSUED
33 UNLESS EITHER PARTY REQUESTS A HEARING. IF EITHER PARTY DISPUTES THE
34 TEMPORARY ORDER WITHIN SIXTY DAYS AFTER THE ORDER IS ISSUED BY FILING A
35 REQUEST FOR A HEARING, THE COURT SHALL SET A HEARING TO ESTABLISH SUPPORT AND
36 NOTIFY THE PARTIES OF THE TIME AND DATE BY MINUTE ENTRY MAILED BY FIRST CLASS
37 MAIL TO THE PARTIES AND THE TITLE IV-D AGENCY.

38 ~~C.~~ E. In title IV-D cases, and in all other cases subject to an
39 income withholding order issued on or after January 1, 1994, after notice to
40 the party entitled to receive support, the department or its agent may direct
41 the party obligated to pay support or other payor to make payment to the
42 support payment clearinghouse. The department or its agent shall provide
43 notice by first class mail.

44 ~~D.~~ F. The obligation for current child support shall be fully met
45 before any payments under an order of assignment may be applied to the

1 payment of arrearages. If a party is obligated to pay support for more than
2 one family and the amount available is not sufficient to meet the total
3 combined current support obligation, any monies shall be allocated to each
4 family as follows:

5 1. The amount of current support ordered in each case shall be added
6 to obtain the total support obligation.

7 2. The ordered amount in each case shall be divided by the total
8 support obligation to obtain a percentage of the total amount due.

9 3. The amount available from the obligor's income shall be multiplied
10 by the percentage under paragraph 2 of this subsection to obtain the amount
11 to be allocated to each family.

12 ~~E.~~ G. Any order for child support may be modified or terminated on a
13 showing of changed circumstance that is substantial and continuing, except as
14 to any amount that may have accrued as an arrearage before the date of notice
15 of the motion or order to show cause to modify or terminate. The addition of
16 health insurance coverage as defined in section 25-531 or a change in the
17 availability of health insurance coverage may constitute a continuing and
18 substantial change in circumstance. **IN A TITLE IV-D CASE, THE STATE MAY
19 PROCEED WITH A MODIFICATION PURSUANT TO THE PROCESS PRESCRIBED IN SUBSECTIONS
20 B AND C OF THIS SECTION.** Modification and termination are effective on the
21 first day of the month following notice of the petition for modification or
22 termination unless the court, for good cause shown, orders the change to
23 become effective at a different date but not earlier than the date of filing
24 the petition for modification or termination. The order of modification or
25 termination may include an award of attorney fees and court costs to the
26 prevailing party.

27 ~~F.~~ H. On petition of a person who has been ordered to pay child
28 support pursuant to a presumption of paternity established pursuant to
29 section 25-814, the court may order the petitioner's support to terminate if
30 the court finds based on clear and convincing evidence that paternity was
31 established by fraud, duress or material mistake of fact. Except for good
32 cause shown, the petitioner's support obligations continue in effect until
33 the court has ruled in favor of the petitioner. The court shall order the
34 petitioner, each child who is the subject of the petition and the child's
35 mother to submit to genetic testing and shall order the appropriate testing
36 procedures to determine the child's inherited characteristics, including
37 blood and tissue type. If the court finds that the petitioner is not the
38 child's biological father, the court shall vacate the determination of
39 paternity and terminate the support obligation. Unless otherwise ordered by
40 the court, an order vacating a support obligation is prospective and does not
41 alter the petitioner's obligation to pay child support arrearages or any
42 other amount previously ordered by the court. If the court finds that it is
43 in the child's best interests, the court may order the biological father to
44 pay restitution to the petitioner for any child support paid before the court
45 ruled in favor of the petitioner pursuant to this subsection.

1 ~~G~~. I. Notwithstanding subsection ~~E~~ G of this section, in a title
2 IV-D case a party, or the department or its agent if there is an assignment
3 of rights under section 46-407, may request every three years that an order
4 for child support be reviewed and, if appropriate, adjusted. The request may
5 be made without a specific showing of a changed circumstance that is
6 substantial and continuing. The department or its agent shall conduct the
7 review in accordance with the child support guidelines of this state. IF AN
8 OBLIGOR IN A TITLE IV-D CASE IS SENTENCED FOR A TERM THAT EXCEEDS THE
9 MINORITY OF THE YOUNGEST CHILD AND IS INCARCERATED, THE TITLE IV-D AGENCY OR
10 ITS AGENT MAY ADMINISTRATIVELY TERMINATE THE MONTHLY ORDER OF SUPPORT.
11 UNPAID CHILD SUPPORT ARREARAGES AS OF THE DATE OF TERMINATION REMAIN DUE AND
12 ENFORCEABLE. If appropriate, the department shall file a petition in the
13 superior court to adjust the support amount. Every three years the
14 department or its agent shall notify the parties of their right to request a
15 review of the order for support. The department or its agent shall notify
16 the parties by first class mail at their last known address or by including
17 the notice in an order.

18 ~~H~~. J. If a party in a title IV-D case requests a review and
19 adjustment sooner than three years, the party shall demonstrate a changed
20 circumstance that is substantial and continuing.

21 ~~I~~. K. The right of a party entitled to receive support or the
22 department to receive child support payments as provided in the court order
23 vests as each installment falls due. Each vested child support installment
24 is enforceable as a final judgment by operation of law. The department or
25 its agent or a party entitled to receive support may also file a request for
26 written judgment for support arrearages.

27 ~~J~~. L. If the obligee, the department or their agents make efforts to
28 collect a child support debt more than ten years after the emancipation of
29 the youngest child subject to the order, the obligor may assert as a defense,
30 and has the burden to prove, that the obligee or the department unreasonably
31 delayed in attempting to collect the child support debt. On a finding of
32 unreasonable delay a tribunal, as defined in section 25-1202, may determine
33 that some or all of the child support debt is no longer collectible after the
34 date of the finding.

35 ~~K~~. M. Notwithstanding any other law, any judgment for support and for
36 associated costs and attorney fees is exempt from renewal and is enforceable
37 until paid in full.

38 ~~L~~. N. If a party entitled to receive child support or spousal
39 maintenance or the department or its agent enforcing an order of support has
40 not received court ordered payments, the party entitled to receive support or
41 spousal maintenance or the department or its agent may file with the clerk of
42 the superior court a request for judgment of arrearages and an affidavit
43 indicating the name of the party obligated to pay support and the amount of
44 the arrearages. The request must include notice of the requirements of this
45 section and the right to request a hearing within twenty days after service

1 in this state or within thirty days after service outside this state. The
2 request, affidavit and notice must be served pursuant to the Arizona rules of
3 civil procedure on all parties, including the department or its agents in
4 title IV-D cases. In a title IV-D case, the department or its agent may
5 serve all parties by certified mail, return receipt requested. Within twenty
6 days after service in this state or within thirty days after service outside
7 this state, a party may file a request for a hearing if the arrearage amount
8 or the identity of the person is in dispute. If a hearing is not requested
9 within the time provided, or if the court finds that the objection is
10 unfounded, the court must review the affidavit and grant an appropriate
11 judgment against the party obligated to pay support.

12 ~~M.~~ O. If after reasonable efforts to locate the obligee the clerk or
13 support payment clearinghouse is unable to deliver payments for a period of
14 one hundred twenty days after the date the first payment is returned as
15 undeliverable due to the failure of a party to whom the support has been
16 ordered to be paid to notify the clerk or support payment clearinghouse of a
17 change in address, the clerk or support payment clearinghouse shall return
18 that and all other unassigned payments to the obligor unless there is an
19 agreement of the obligor to pay assigned arrears and other debts owed to the
20 state.

21 ~~N.~~ P. If the obligee of a child support order marries the obligor of
22 the child support order, that order automatically terminates on the last day
23 of the month in which the marriage takes place and arrearages do not accrue
24 after that date. However, the obligee or the state may collect child support
25 arrearages that accrued before that date. The obligee, the obligor or the
26 department or its agent in a title IV-D case may file a request or
27 stipulation to terminate or adjust any existing order of assignment, pursuant
28 to section 25-504 or section 25-505.01.

29 ~~O.~~ Q. For the purposes of this chapter, a child is emancipated:

- 30 1. On the date of the child's marriage.
- 31 2. On the child's eighteenth birthday.
- 32 3. When the child is adopted.
- 33 4. When the child dies.
- 34 5. On the termination of the support obligation if support is extended
35 beyond the age of majority pursuant to section 25-501, subsection A or
36 section 25-320, subsections E and F.

37 Sec. 3. Section 25-517, Arizona Revised Statutes, is amended to read:

38 25-517. Title IV-D agency; license suspension; notice;
39 administrative review or hearing

40 A. The department or its agent shall notify an obligor who is at least
41 ~~two~~ SIX months in arrears in making child support payments, periodic payments
42 on a support arrearage or periodic payments pursuant to a court order of
43 support ~~or who has failed to comply with a child support subpoena or a child~~
44 ~~support arrest warrant~~ that the obligor may be referred to court for a
45 hearing to suspend or deny the obligor's driver license, ~~professional or~~

1 ~~occupational license~~ or recreational license. The department or its agent
2 shall notify the obligor by first class mail at the obligor's current
3 address, or after a reasonable attempt to ascertain the obligor's location,
4 at the obligor's last known address. The notice shall state the following:

5 1. The obligor has wilfully failed to pay child support, wilfully
6 continues to do so and is at least ~~two~~ SIX months in arrears in making child
7 support payments ~~or has failed without reasonable cause to comply with a~~
8 ~~child support subpoena or a child support arrest warrant.~~

9 2. The obligor may request in writing an administrative review
10 conducted pursuant to section 25-522 to contest the matter within fifteen
11 days from the date of mailing of the notice.

12 3. If the obligor requests an administrative review, the department or
13 its agent shall stay the action to refer the obligor to court for the
14 suspension or denial of the obligor's ~~professional, occupational,~~
15 recreational or driver license.

16 4. If the obligor fails to respond to the notice, the department or
17 its agent shall refer the obligor to court for license suspension or denial
18 pursuant to section 25-518.

19 5. The address and telephone number of the department.

20 6. The obligor may request a copy of the child support order.

21 ~~B. If an obligor fails to respond to the notice in subsection A of~~
22 ~~this section within fifteen days after the date of mailing, the department or~~
23 ~~its agent shall send the obligor a second notice. The second notice shall~~
24 ~~include the information under subsection A of this section and shall state~~
25 ~~the following:~~

26 ~~1. If the obligor fails to contact the department or its agent within~~
27 ~~fifteen days after the date of mailing of the second notice, the obligor's~~
28 ~~license shall be suspended.~~

29 ~~2. This is the final notice the obligor will receive.~~

30 ~~C. B.~~ B. If an obligor requests an administrative review pursuant to
31 this section, the issues at the review shall be limited to whether the
32 obligor is required to pay child support and ~~is in arrears or whether the~~
33 ~~obligor has failed without reasonable cause to comply with a child support~~
34 ~~subpoena or a child support arrest warrant~~ HAS WILFULLY FAILED TO PAY. The
35 department or its agent shall not refer the obligor to court unless the
36 department or its agent determines that the obligor is at least ~~two~~ SIX
37 months in arrears ~~or~~ AND has WILFULLY failed ~~without reasonable cause to~~
38 ~~comply with a child support subpoena or a child support arrest warrant~~ TO
39 PAY. The department or its agent shall make this decision in writing and
40 shall provide a copy to the obligor.

41 ~~D. C.~~ C. If the department or its agent determines that the obligor is
42 ~~either~~ at least ~~two~~ SIX months in arrears, ~~AND~~ has WILFULLY failed ~~without~~
43 ~~reasonable cause to comply with a child support subpoena or a child support~~
44 ~~arrest warrant or has failed to respond to the second notice~~ TO PAY, the

1 department shall refer the obligor to court for license suspension pursuant
2 to section 25-518.

3 D. NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, IF AN OBLIGOR IS
4 AT LEAST SIX MONTHS IN ARREARS IN MAKING CHILD SUPPORT PAYMENTS, PERIODIC
5 PAYMENTS ON A SUPPORT ARREARAGE OR PERIODIC PAYMENTS PURSUANT TO A COURT
6 ORDER OF SUPPORT, THE TITLE IV-D AGENCY OR ITS AGENT MAY ISSUE A NOTICE TO
7 THE OBLIGOR THAT THE OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE MAY BE
8 SUSPENDED OR REVOKED. THE TITLE IV-D AGENCY OR ITS AGENT SHALL NOTIFY THE
9 OBLIGOR BY FIRST CLASS MAIL AT THE OBLIGOR'S CURRENT ADDRESS, OR AFTER A
10 REASONABLE ATTEMPT TO ASCERTAIN THE OBLIGOR'S LOCATION, AT THE OBLIGOR'S LAST
11 KNOWN ADDRESS. THE NOTICE SHALL STATE THAT THE OBLIGOR HAS WILFULLY FAILED
12 TO PAY CHILD SUPPORT, WILFULLY CONTINUES TO DO SO AND IS AT LEAST SIX MONTHS
13 IN ARREARS IN MAKING CHILD SUPPORT PAYMENTS. THE NOTICE SHALL ALSO STATE
14 THAT WITHIN FIFTEEN DAYS AFTER THE NOTICE IS MAILED THE OBLIGOR MAY MAKE A
15 WRITTEN REQUEST FOR AN ADMINISTRATIVE REVIEW PURSUANT TO SECTION 25-522 TO
16 CONTEST THE MATTER.

17 E. IF THE OBLIGOR DOES NOT RESPOND TO THE NOTICE PRESCRIBED IN
18 SUBSECTION D OF THIS SECTION, THE TITLE IV-D AGENCY OR ITS AGENT SHALL ISSUE
19 AN ADMINISTRATIVE ORDER OF NONCOMPLIANCE TO THE BOARD OR AGENCY TO ORDER THE
20 SUSPENSION OR REVOCATION OF THE OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL
21 LICENSE. IF THE OBLIGOR REQUESTS AN ADMINISTRATIVE REVIEW, THE TITLE IV-D
22 AGENCY OR ITS AGENT SHALL STAY FURTHER ACTION UNTIL A DETERMINATION HAS BEEN
23 MADE AT THE ADMINISTRATIVE REVIEW. THE ISSUES AT THE REVIEW ARE LIMITED TO
24 WHETHER THE OBLIGOR IS REQUIRED TO PAY CHILD SUPPORT AND HAS WILFULLY FAILED
25 TO PAY. THE DEPARTMENT OR ITS AGENT SHALL MAKE THIS DECISION IN WRITING AND
26 SHALL PROVIDE A COPY TO THE OBLIGOR. IF THE OBLIGOR DISAGREES WITH
27 DETERMINATION THE OBLIGOR HAS A RIGHT TO A HEARING BEFORE THE SUSPENSION OR
28 REVOCATION OF THE OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE. THE TITLE
29 IV-D AGENCY OR ITS AGENT MUST RECEIVE A REQUEST FOR A HEARING ON THE
30 DETERMINATION OF NONCOMPLIANCE WITHIN FOURTEEN DAYS AFTER THE DATE OF THE
31 DETERMINATION.

32 F. THE TITLE IV-D AGENCY OR ITS AGENT SHALL NOTIFY THE OFFICE OF
33 ADMINISTRATIVE HEARINGS OF A REQUEST FOR A HEARING PURSUANT TO SUBSECTION E
34 OF THIS SECTION WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF THE REQUEST. THE
35 OFFICE OF ADMINISTRATIVE HEARINGS SHALL HOLD A HEARING PURSUANT TO TITLE 41,
36 CHAPTER 6, ARTICLE 10. THE ISSUES AT THE HEARING ARE LIMITED TO WHETHER THE
37 OBLIGOR IS REQUIRED TO PAY CHILD SUPPORT AND HAS WILFULLY FAILED TO PAY. IF
38 THE ADMINISTRATIVE LAW JUDGE UPHOLDS THE DEPARTMENT'S DETERMINATION, THE
39 TITLE IV-D AGENCY OR ITS AGENT SHALL ISSUE AN ADMINISTRATIVE ORDER OF
40 NONCOMPLIANCE TO THE BOARD OR AGENCY ORDERING IT TO SUSPEND OR REVOKE THE
41 OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE.

1 Sec. 4. Section 25-518, Arizona Revised Statutes, is amended to read:
2 25-518. Child support arrearage; license suspension; hearing

3 A. A court shall send a certificate of noncompliance to the board or
4 agency ordering the suspension or denial of a DRIVER LICENSE OR RECREATIONAL
5 license if the court finds from the evidence presented at a hearing to
6 enforce a child support order that the obligor~~:-~~

7 ~~1. HAS~~ wilfully failed to pay child support, ~~and after notice pursuant~~
8 ~~to section 25-517, subsection A~~ continues AFTER NOTICE PURSUANT TO SECTION
9 25-517, SUBSECTION A to wilfully fail to pay child support and is at least
10 ~~two~~ SIX months in arrears.

11 ~~2. Failed without reasonable cause to comply with a child support~~
12 ~~subpoena.~~

13 ~~3. Failed without reasonable cause to comply with a child support~~
14 ~~arrest warrant.~~

15 B. ~~On petition or motion the court shall hold a review hearing to~~
16 ~~determine if the obligor has come into compliance with the support order, a~~
17 ~~child support subpoena or a child support arrest warrant. IF THE OBLIGOR HAS~~
18 ~~COMPLIED WITH THE SUPPORT ORDER SINCE THE SUSPENSION OR DENIAL, THE OBLIGOR~~
19 ~~MAY PETITION THE COURT FOR A HEARING.~~ If the obligor establishes at the
20 review hearing that the obligor is in compliance with the support order, ~~OR~~
21 a court ordered plan for payment of arrearages, ~~a child support subpoena or a~~
22 ~~child support arrest warrant,~~ the court shall send a certificate of
23 compliance to the board or agency. Except for licenses issued under title
24 17, the obligor may then apply for license reinstatement and shall pay all
25 applicable fees.

26 C. In a title IV-D case, the department or its agent may file with the
27 clerk of the superior court an affidavit indicating that the obligor is in
28 compliance with the support order or the child support obligation. Within
29 five business days after the affidavit is filed, the clerk shall send a
30 notice of compliance to the obligor by first class mail. The clerk shall
31 send a copy of the notice of compliance to the department and the licensing
32 board or agency.

33 ~~D. An obligee may petition the court for an order to suspend the~~
34 ~~driver, professional, occupational or recreational license of an obligor who~~
35 ~~is at least two months in arrears on a child support obligation if the~~
36 ~~obligee complies with the notice requirements of this section. The court may~~
37 ~~act on this petition in the same manner it acts on other petitions filed~~
38 ~~under this section.~~

39 ~~E. The obligee shall provide notice to the obligor as provided in~~
40 ~~subsection F of this section. The notice shall state the following:~~

41 ~~1. The obligee is entitled to receive child support payments and the~~
42 ~~monthly amount.~~

43 ~~2. The obligor is in arrears in making child support payments and the~~
44 ~~amount of the arrearages.~~

1 ~~3. The obligee intends to petition the court for a license suspension~~
2 ~~hearing.~~

3 ~~4. The driver, professional, occupational or recreational license of~~
4 ~~the obligor may be suspended or denied if the court finds that the obligor is~~
5 ~~at least two months in arrears and has wilfully failed to pay child support.~~

6 ~~F. The obligee shall attach a copy of the order of support to the~~
7 ~~notice. The obligee shall serve the notice by first class mail.~~

8 ~~G.~~ D. Except for licenses issued under title 17, the board or agency
9 shall suspend or deny the license of the licensee within thirty days after
10 receiving the notice of noncompliance from the court. The board or agency
11 shall not lift the suspension until the board or agency receives a
12 certificate of compliance from the court. Notwithstanding section 41-1064,
13 subsection C and section 41-1092.11, subsection B, the board or agency is not
14 required to conduct a hearing. The board or agency shall notify the
15 department in writing or by any other means prescribed by the department of
16 all suspensions within ten days after the suspension. The information shall
17 include the name, address, date of birth and social security number of the
18 licensee and the license category.

19 ~~H.~~ E. A certificate of noncompliance without further action
20 invalidates a license to take wildlife in this state and prohibits the
21 obligor from applying for a license issued by an automated drawing system
22 under title 17. The court shall send a copy of the certificate of
23 noncompliance to the department of economic security, and the department of
24 economic security shall notify the Arizona game and fish department of all
25 obligors against whom a notice of noncompliance has been issued and who have
26 applied for a license issued by an automated drawing system.

27 ~~I. For the purposes of this section, "license" means any license,~~
28 ~~certificate, registration or other authorization that:~~

29 ~~1. Is issued by a board or agency.~~

30 ~~2. Is subject before expiration to suspension, revocation, forfeiture~~
31 ~~or termination by the issuing board or agency.~~

32 ~~3. A person must obtain to:~~

33 ~~(a) Practice or engage in a particular business, occupation or~~
34 ~~profession.~~

35 ~~(b) Operate a motor vehicle.~~

36 ~~(c) Engage in activities requiring a license pursuant to title 17.~~

37 F. NOTWITHSTANDING THIS SECTION, THE TITLE IV-D AGENCY OR ITS AGENT
38 MAY SEND A CERTIFICATE OF NONCOMPLIANCE TO A BOARD OR AGENCY TO ORDER IT TO
39 SUSPEND OR DENY AN OBLIGOR'S PROFESSIONAL OR OCCUPATIONAL LICENSE IF THE
40 OBLIGOR:

41 1. HAS WILFULLY FAILED TO PAY CHILD SUPPORT, CONTINUES AFTER NOTICE
42 PURSUANT TO SECTION 25-517, SUBSECTION D TO WILFULLY FAIL TO PAY CHILD
43 SUPPORT AND IS AT LEAST SIX MONTHS IN ARREARS.

44 2. REQUESTED AN ADMINISTRATIVE REVIEW AND THE DETERMINATION CONFIRMS
45 THAT THE OBLIGOR IS REQUIRED TO PAY CHILD SUPPORT AND HAS WILFULLY FAILED TO

1 PAY AND THAT EITHER THE OBLIGOR DID NOT REQUEST A HEARING ON THE
2 DETERMINATION OR THE DETERMINATION WAS UPHeld AFTER A HEARING.

3 3. FAILED TO RESPOND TO THE NOTICE PURSUANT TO SECTION 25-517,
4 SUBSECTION D.

5 G. IF THE OBLIGOR HAS PAID ALL ARREARAGES OR IF THE OBLIGOR HAS
6 ENTERED INTO A WRITTEN AGREEMENT WITH THE TITLE IV-D AGENCY OR ITS AGENT, THE
7 TITLE IV-D AGENCY MAY ISSUE A NOTICE OF COMPLIANCE TO THE LICENSING BOARD OR
8 AGENCY.

9 Sec. 5. Section 25-816, Arizona Revised Statutes, is amended to read:

10 ~~25-816.~~ Title IV-D child support; paternity establishment;
11 genetic testing

12 A. On receipt of a sworn statement by the mother or the alleged father
13 alleging paternity and setting forth the facts establishing a reasonable
14 possibility of the requisite sexual contact between the parties, the
15 department ~~of economic security~~ or its agent may order the mother, her child
16 or children and the alleged father to submit to the drawing of blood or
17 tissue samples for genetic testing of a type generally acknowledged as
18 reliable by accreditation bodies. If the mother cannot be located the
19 department or its agent may order the caretaker of the child or children to
20 present the child or children for genetic testing. The order shall be served
21 by first class mail or delivered at least ten business days before the
22 genetic testing. The department or its agent shall pay the costs of the test
23 subject to repayment from the mother or the alleged father if paternity is
24 established. An order of genetic testing issued by the department or its
25 agent has the same force and effect as a superior court order.

26 B. If the results of the genetic testing indicate that the likelihood
27 of the alleged father's paternity is ninety-five per cent or greater, the
28 alleged father is presumed to be the parent of the child ~~and the party~~
29 ~~opposing the establishment of the alleged father's paternity shall establish~~
30 ~~by clear and convincing evidence that he is not the father of the child~~ AND
31 THE TITLE IV-D AGENCY OR ITS AGENT SHALL ISSUE AN ADMINISTRATIVE ORDER OF
32 PATERNITY THAT HAS THE SAME FORCE AND EFFECT AS A JUDGMENT OF THE SUPERIOR
33 COURT. THE TITLE IV-D AGENCY OR ITS AGENT SHALL FILE A COPY OF THE
34 ADMINISTRATIVE ORDER WITH THE CLERK OF THE COURT AND SHALL SEND A COPY TO
35 BOTH PARTIES. THIS ORDER IS SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12,
36 CHAPTER 7, ARTICLE 6.

37 C. A person who is tested pursuant to this section may contest the
38 test results in writing to the department or its agent within thirty days
39 after the department or its agent mails the results to that person. If the
40 original test results are contested in a timely manner, on request and
41 advance payment by the requesting party, the department or its agent shall
42 order a second genetic test pursuant to subsection A.

1 Sec. 6. Section 33-964, Arizona Revised Statutes, is amended to read:
2 33-964. Lien of judgment; duration; exemption of homestead;
3 acknowledgment of satisfaction by judgment creditor

4 A. Except as provided in sections 33-729 and 33-730, from and after
5 the time of recording as provided in section 33-961, a judgment shall become
6 a lien for a period of five years from the date it is given, on all real
7 property of the judgment debtor except real property exempt from execution,
8 including homestead property, in the county where the judgment is recorded,
9 whether the property is then owned by the judgment debtor or is later
10 acquired. A judgment lien for support, as defined in section 25-500, and
11 associated costs and attorney fees remains in effect until satisfied or
12 lifted.

13 B. A recorded judgment shall not become a lien ~~upon~~ ON any homestead
14 property. Any person entitled to a homestead on real property as provided by
15 law holds the homestead property free and clear of the judgment lien.

16 C. A judgment of the justice court, municipal court, superior court or
17 United States court ~~which~~ THAT has become a lien under this article, ~~shall,~~
18 immediately on the payment or satisfaction of the judgment, SHALL be
19 discharged of record by the judgment creditor or the judgment creditor's
20 attorney by recording a satisfaction of judgment with the county recorder of
21 the county in which the judgment is recorded. The judgment creditor or the
22 judgment creditor's attorney shall enter a notation of satisfaction on the
23 docket of the clerk of the superior court of each county where the judgment
24 has been entered or docketed, and in a like manner enter a notation of
25 satisfaction on the docket of the clerk of the United States district court.

26 D. IN A TITLE IV-D CASE, IF THE TITLE IV-D AGENCY OR ITS AGENT IS
27 LISTED AS THE HOLDER OF THE LIEN AND THE JUDGMENT HAS BEEN SATISFIED BUT THE
28 OBLIGEE IS UNWILLING TO SIGN THE RELEASE OF THE LIEN OR, AFTER REASONABLE
29 EFFORTS, CANNOT BE LOCATED TO SIGN THE RELEASE OF THE LIEN, THE TITLE IV-D
30 AGENCY OR ITS AGENT MAY SIGN THE SATISFACTION OF JUDGMENT AND RELEASE OF LIEN
31 WITHOUT THE SIGNATURE OF THE OBLIGEE. THE TITLE IV-D AGENCY OR ITS AGENT
32 SHALL SEND A COPY BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE
33 OBLIGEE.